

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 006-6273-CR-HUCK/BROWN

UNITED STATES OF AMERICA,  
  
PLAINTIFF,

v.

ANTHONY TRENTACOSTA, et al.,  
  
DEFENDANTS.

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GOVERNMENT'S RESPONSE TO DEFENDANT SILVERMAN'S  
MOTION TO SUPPRESS STATEMENTS

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COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and files this Response in opposition to defendant Silverman's Motion to Suppress Statements (DE 229).

In his Motion, the defendant urges this Court to suppress two statements which he made to law enforcement agents. The first was a sworn taped statement given by the defendant on April 22, 1999 to Detectives Frank Ilarraza and Don Devine of the Broward Sheriff's Office.<sup>1</sup> The second was an oral statement given by the defendant on September 27, 2000 to F.B.I. Special Agents William Howe Grover, Kevin C. Rentzel and Celeste Van Auken following the defendant's arrest in the instant case. The defendant seeks to have both statements suppressed, asserting, as his sole ground, that when each of the statements was taken, he was under the influence of alcohol and/or drugs to such an extent as to render the statements involuntary.

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<sup>1</sup>As set forth hereinbelow, at the time this statement was given, the defendant was not under arrest for any offense.

A handwritten signature in black ink, appearing to be 'J. J. Brown', is located in the bottom right corner of the page.

### FACTS

On March 28, 1999, Ariel Hernandez was arrested pursuant to a State of Florida warrant and charged with the murder of Jeanette Smith.<sup>2</sup> In his post-arrest statement, Hernandez ultimately stated that he had accidentally caused the death of Ms. Smith during a sexual encounter. Hernandez thereafter stated the following: Once he realized that Ms. Smith was dead, he called Frederick J. Massaro for help. Massaro responded to the scene of the homicide, and stated that he would have the instant defendant, Adam Todd Silverman, a/k/a/ "Sonny," come over with a truck so that they could dispose of the body. When Sonny arrived with the truck, they loaded the body of Ms. Smith into a box and ripped the labels off the box so that it could not be traced. Thereupon, they loaded the box into the truck, and Hernandez, the defendant Silverman and a third individual whom Hernandez knew only as "Joe" drove the truck out to the everglades, where they disposed of the box containing Ms. Smith's body. Afterwards, they disposed of Ms. Smith's belongings at a nearby rest area.<sup>3</sup>

On April 21, 1999, Det. Ilarraza contacted the defendant Silverman by telephone and stated that he wished to speak to Silverman. Silverman agreed to meet with Det. Ilarraza the next day. On April 22, 1999 at approximately 9:40 A.M., Detectives Ilarraza and Devine met Silverman at his

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<sup>2</sup>The facts which form the basis for this charge are the same facts which underlie the RICO murder charges in Counts 17-19 of the pending indictment.

<sup>3</sup>In subsequent statements, Hernandez changed many of the details concerning the homicide, asserting that Smith was actually murdered by persons known only as "Enrique" and "Francisco," and maintaining that he, Massaro and "Joe" actually disposed of the body. In each version, however, Hernandez maintained that defendant Silverman had some role in removing the body of Ms. Smith from the homicide scene and/or disposing of Ms. Smith's belongings after the homicide had been committed. Moreover, intercepted telephone conversations of Silverman and others established that Silverman participated in the disposal of Ms. Smith's body and her belongings following her murder.

place of business, King Group International.<sup>4</sup> Thereupon, Silverman agreed to accompany the detectives to the Broward Sheriff's Office to be interviewed. At the Sheriff's Office, Silverman was advised that he was not under arrest and that he was free to go at any time. Silverman then gave a sworn taped statement to Detectives Ilarraza and Devine. A transcript of that statement is attached hereto and incorporated herein as Attachment A.<sup>5</sup> After the statement was concluded, Detectives Ilarraza and Devine drove Silverman back to his place of business. At no time did Silverman appear, through his words or actions, to be under the influence of any substance.<sup>6</sup>

On September 19, 2000, the instant indictment was returned charging the defendant Silverman and eight co-defendants with RICO conspiracy and various other crimes. Among the charges against Silverman is Count 19, which charges him with being an accessory after the fact to the aforesaid murder of Jeanette Smith. The indictment, and the accompanying arrest warrants, were

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<sup>4</sup>Significantly, the evidence establishes that, prior to meeting with the detectives on the morning of April 22, 1999, Silverman placed a telephone call to Massaro and stated that he urgently needed to speak with Massaro. Thereupon, Silverman drove to Massaro's residence. While at Massaro's residence, Silverman placed a telephone call to his boss, Jacob Werba, and discussed Ariel Hernandez.

<sup>5</sup>The transcript corroborates the fact that Silverman voluntarily accompanied the detectives to the Sheriff's office and voluntarily agreed to give the statement. In the transcript, at pages 10-11, Silverman acknowledged that he had spoken to Det. Ilarraza on the telephone the previous day, that he accompanied the detectives on his own, and that he understood that he was free to go at any time. Moreover, Silverman gave consent to have oral swabs taken from him. Consequently, it is beyond dispute that, when he agreed to render this statement, the defendant was not under any form of restraint. "In contrast to the presumption of coercion that attends statements given during custodial interrogation in the absence of *Miranda* warnings, statements made during a noncustodial interrogation are not viewed with suspicion." United States v. Serlin, 707 F.2d 953, 958 (7<sup>th</sup> Cir. 1983). See also, California v. Beheler, 463 U.S. 1121, 1125 (1983); Oregon v. Mathiason, 429 U.S. 492, 493 (1977).

<sup>6</sup>Following his return to his place of business, Silverman placed a telephone call to Massaro and outlined for Massaro the details of his interview with the Broward Sheriff's Office detectives.

sealed by the court. On September 26, 2000, following the arrests of defendants Anthony Trentacosta, Frederick J. Massaro, Julius Bruce Chiusano, Anthony Raymond Banks and Charles Patrick Monico, the indictment was unsealed. On that date, law enforcement agents were unable to physically locate defendant Silverman. However, F.B.I. Special Agent Kevin Rentzel and Detective Warren Emerson of the Broward County Sheriff's Office, utilizing Silverman's digital pager, were able to establish telephone contact with him on September 27, 1999 at approximately 11:00 a.m. During several telephone conversations, Agent Rentzel and Det. Emerson consistently advised Silverman that there was an outstanding arrest warrant, and that Silverman was required to surrender himself to law enforcement authorities. Silverman stated that he would do so. Ultimately, at approximately 4:30 p.m., Silverman advised by telephone that he was en route to his girlfriend's home in North Miami, Florida, and that he would meet the law enforcement agents there at 6:00 p.m. On September 27, 2000 at approximately 6:00 p.m., Agent Rentzel and other law enforcement agents met Silverman at his girlfriend's home in conformity with the aforesaid arrangements and arrested him.<sup>7</sup> Silverman was taken to the F.B.I. office for processing. While there, Silverman was provided with an Advice of Rights Form, which he signed and acknowledged, waiving his rights to remain silent and to have an attorney present.<sup>8</sup> Thereupon, Silverman gave a statement to F.B.I. Agents Rentzel, Grover and Van Auken. A report outlining what Silverman said during that statement is

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<sup>7</sup>The true facts completely contradict the defendant's assertions at page 2 of his Motion, where he states that "[a]t the time of his arrest at his residence, he had recently awoken from a deep drug and alcohol induced sleep. In this unstable state of mind, the Defendant was whisked away to the FBI office, confronted with the allegations against him and influenced to give a statement."

<sup>8</sup>A copy of that advice of rights form is attached hereto and incorporated herein as Attachment B.

attached hereto and incorporated herein as Attachment C. During the arrest and statement described above, Silverman did not appear, through his words or actions, to be under the influence of any substance.

### ARGUMENT

The defendant claims that, on two separate occasions, seventeen months apart, when he agreed to speak to law enforcement agents concerning his role in the aftermath of a murder, he was under the influence of “drugs and/or alcohol.” In deciding this issue, this Court may examine the statements themselves in determining their voluntariness. A review of these statements establishes that the defendant was cogent, articulate and largely consistent in his two renditions of his involvement in the aftermath of the homicide.<sup>9</sup> Therefore, the statements themselves establish that the defendant was not impaired at the time he gave them, and corroborate the fact that the agents and officers involved in these two interactions with Silverman witnessed no evidence of any such impairment. Furthermore, the circumstances surrounding the taking of these statements (i.e. the reports which the defendant made to co-defendant Massaro both before and after the April 22, 1999 statement, and the arrangements which the defendant made to surrender prior to the September 27, 2000 statement) vitiate any suggestion by the defendant that he was impaired.

Moreover, the defendant’s motion is insufficient as a matter of law. Even assuming, arguendo, that the defendant was under the influence of some substance, in the absence of police misconduct or over-reaching, he is still not entitled to relief. In Colorado v. Connelly, 479 U.S. 157

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<sup>9</sup>During the defendant’s statements, he denies any culpability in the offense and makes several claims which are provably untrue. It is clear that the defendant’s intention, in speaking with the agents and detectives, was to attempt to extricate himself from criminal responsibility. Therefore, the government anticipates offering these statements at trial as false exculpatory statements.

(1986), the Court set forth the rule with regard to alleged mental impairments and the voluntariness of statements to the police:

The sole concern of the Fifth Amendment, on which *Miranda* was based, is governmental coercion. See *United States v. Washington*, 431 U.S. 181, 187, 97 S.Ct. 1814, 1818, 52 L.Ed.2d 238 (1977); *Miranda, supra*, 384 U.S., at 460, 86 S.Ct., at 1620. Indeed, the Fifth Amendment privilege is not concerned “with moral and psychological pressures to confess emanating from sources other than official coercion.” *Oregon v. Elstad*, 470 U.S. 298, 305, 105 S.Ct. 1285, 1290, 84 L.Ed.2d 222 (1985). The voluntariness of a waiver of this privilege has always depended on the absence of police overreaching, not on “free choice” in any broader sense of the word. See *Moran v. Burbine*, 475 U.S., at 421, 106 S.Ct., at 1141 (“[T]he relinquishment of the right must have been voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion or deception ... [T]he record is devoid of any suggestion that police resorted to physical or psychological pressure to elicit the statements”); *Fare v. Michael C.*, 442 U.S. 707, 726-727, 99 S.Ct. 2560, 2572-2573, 61 L.Ed.2d 197 (1979) (The defendant was “not worn down by improper interrogation tactics or lengthy questioning or by trickery or deceit ... The officers did not intimidate or threaten respondent in any way. Their questioning was restrained and free from the abuses that so concerned the Court in *Miranda*”).

Respondent urges this Court to adopt his “free will” rationale, and to find an attempted waiver invalid whenever the defendant feels compelled to waive his rights by reason of any compulsion, even if the compulsion does not flow from the police. But such a treatment of the waiver issue would “cut this Court’s holding in [*Miranda*] completely loose from its own explicitly stated rationale.” *Beckwith v. United States*, 425 U.S. 341, 345, 96 S.Ct. 1612, 1615, 48 L.Ed.2d 1 (1976). *Miranda* protects defendant’s against government coercion leading them to surrender rights protected by the Fifth Amendment; it goes no further than that. Respondent’s perception of coercion flowing from the “voice of God,” however important or significant such a perception may be in other disciplines, is a matter to which the United States Constitution does not speak.

Id. at 170-171. Similarly, in the case at bar, the defendant’s Motion barely asserts that, because of his alleged impairment due to “alcohol and/or drugs,” the defendant was incapable of giving a

voluntary statement on April 22, 1999 or understanding and waiving his rights on September 27, 2000. The defendant does not, and cannot, allege any misconduct on the part of the police or agents in acquiring these statements. Consequently, the defendant's Motion is insufficient as a matter of law, and he is therefore not entitled to relief. Under virtually identical circumstances, the Eleventh Circuit held that a defendant is not entitled to a hearing on the issue of voluntariness:

Scheigert [the defendant] contends that his confession to federal agents was involuntary because he suffered from a mental defect and chronic drug addiction and alcoholism. He contends that the trial court erred because it did not hold a full hearing as required by *Jackson v. Denno*, 378 U.S. 368, 84 S.Ct. 1774, 12 L.Ed.2d 908 (1964), in order to determine the voluntariness of his confession. Instead, the trial court, in determining that Scheigert was mentally competent and that his confession was voluntary, relied in part upon the written report of a government psychiatrist. We agree that a defendant has a constitutional right to a fair hearing and an independent and reliable determination of voluntariness before his confession is allowed to be heard by the guilt determining jury. However, "appellant is not entitled to this remedy unless he can show 'that his version of events, if true, would require the conclusion that his confession was involuntary;' *i.e.*, he must allege *facts* which would, if proven true, indicate the involuntariness of his confession." *United States v. Davidson*, 768 F.2d 1266, 1270 (11<sup>th</sup> Cir. 1985) (quoting *Procurier v. Atchley*, 400 U.S. 446, 451, 91 S.Ct. 485, 488, 27 L.Ed.2d 524 (1971)) (emphasis in original).

Here it is plain that Scheigert has alleged no facts which would indicate the involuntariness of his confession. We may assume, for purposes of this decision, that Scheigert was in fact mentally impaired and his confession was the product of that defect and his drug addiction and alcoholism. However, as the Supreme Court has recently concluded, "coercive police activity is a necessary predicate to finding that a confession is not 'voluntary.'" *See Colorado v. Connelly* ... Consequently, in the absence of coercive police activity, the mental defect and substance dependency of which Scheigert complains cannot render his confession involuntary. It follows, *a fortiori*, that Scheigert was not entitled to a *Jackson v. Denno* hearing.


United States v. Scheigert, 809 F.2d 1532, 1533 (11<sup>th</sup> Cir. 1987).

WHEREFORE, the government respectfully requests, based upon the above and foregoing, that the Court summarily deny the defendant Silverman's Motion to Suppress Statements.

Respectfully submitted,

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By:

  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered by U.S. mail to the following on this 14<sup>th</sup> day of June 2001.

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\_\_\_\_\_  
LAWRENCE D. LAVECCHIO  
Assistant United States Attorney

STATEMENT OF: ADAM TODD SILVERMAN

Following will be a sworn taped statement taken by Detective Frank Ilarraza of the Broward County Sheriff's Office. This will be in reference to Broward Sheriff's Office case number BS99-3-11083 which has been classified as a HOMICIDE, the death investigation of Jeanette Smith whose body was found on March 21st, 1999, at the 31 Mile Marker of Alligator Alley. Today's date is April 22nd, 1999. The time now is approximately 11:48 according to my wrist watch. We are currently located at the Broward Sheriff's Office Criminal Investigations Division Interview Room where I'll be taking a statement from a white male by the name of Adam Todd Silverman. Also present for this statement is Detective Don Devine.

Q Mr. Silverman, do you understand we're police officers investigating this case?

A Yes, sir.

Q As police officers in the State of Florida, we have the authority to take sworn statements. Therefore everything you tell me must be the truth. Do you understand what the word perjury means?

A Yes, I do.

Q You swear to tell the truth. If you lie, you're committing a crime.

A Yes.

Q Could you raise your right hand?

A Yes.

Q Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

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STATEMENT OF: ADAM TODD SILVERMAN

A Yes, I do.

Q Okay, let the record reflect that Mr. Silverman has raised his right hand and has been sworn in. Ah, could you tell me your name and date of birth?

A Adam Todd Silverman,

Q And what's your address?

A 7/06/67.

Q Okay, and what's your current address?

A 100 Kings Point Drive.

Q Okay, apartment?

A 802.

Q Do you have a telephone number there?

A 944-6551, area code 305.

Q And who do you reside with?

A Ah, Melissa (unintelligible)

Q Okay.

A But we are in the process of moving right now, so that's going to be changing.

Q Okay, and what is her relationship to you?

A Just a roommate.

Q Okay, ah, where do you work at?

A Ah, I basically work for myself for a company called World Transit Distributors. I have a broker at King Group International.

Q Okay.

A Selling heavy machinery and transportation around the world.

STATEMENT OF: ADAM TODD SILVERMAN



- Q All right, going back to this ah, investigation of this young girl that was killed, ah, we were discussing the day of Saturday the 20th, when we know or we figure that's when she was killed on or about that date. Ah, you were telling us that there came a point that Saturday when you were at Beachside Mario's is it?
- A Yeah.
- Q Okay, would you tell me what happened from that point on? About what time you were there?
- A Approximately, approximately give or take 7:00 P.M.
- Q Okay.
- A Maybe 6:30.
- Q And what happened?
- A I ran into Ariel. He..
- Q Who do you know Ariel as?
- A Ariel.
- Q Do you know his last name?
- A No.
- Q Okay, is he the person who was arrested for in connection to her death?
- A According to the news, yes.
- Q Okay, did you see his picture in the paper?
- A In the news.
- Q Okay, is that the same person that was referring to?
- A Yes, sir.
- Q Okay, so that same person, Ariel, showed up at Beachside Mario's and what did he want?

STATEMENT OF: ADAM TODD SILVERMAN

A He wanted to borrow my truck, not my truck, but a truck that was loaned to me by someone else.

Q And what type of truck is it?

A A blue Mazda Naraho, Navaho?

Q Navaho?

A Yeah.

Q Okay, who does that truck belong to?

A Oleg, O L E G, Klets, K L E T S.

Q Okay.

A A Russian colleague of mine who resides in Kazakhstan, Russia.

Q But you at the time were using the truck?

A I was using the truck for approximately two and a half weeks.

Q Okay, so he shows up and wants to borrow the truck, what happens then?

A He took me to a motel hotel room where I waited for him outside. While I was doing so, he loaded up two large boxes and two small boxes.

Q Okay, you were describing one of the boxes as having duct tape. Which was that box?

A The gray tape?

Q The gray tape, yes.

A Yes.

Q Okay. Do you remember which box that was?

A It was the box that I saw in the news.

Q The same box that you saw on the news, okay. ah, Did he load up that box himself or did you load it?

STATEMENT OF: ADAM TODD SILVERMAN

A He loaded it himself.

Q Okay, now I know he has ah, his right hand is broken. He's got an injury to his right hand?

A Are you sure about that?

Q Well, I saw...

A Cause he used to wear a cast all the time.

Q Why?

A Just for the hell of it.

Q Okay, have you, have you seen him using that hand?

A Of course.

Q Okay, so you're telling me that he can use that hand then?

A Yes, very well.

Q How long has he had that injury?

A I don't even know if he ever had an injury. He just likes to wear the cast for attention and whatnot.

Q Well, it does look he has a bone or something protruding from the top of his hand there?

A His hand is fine.

Q Well, I mean, if you look at it, I'm telling you you see that?

A But he uses it just fine.

Q So he uses his hand fine?

A Just fine.

Q Okay, so he had no problem lifting the box then?

A He did it all himself. He turned a bit red, but he did it all himself.

STATEMENT OF: ADAM TODD SILVERMAN

Q Did it seem kind of unusual that you know, that that box was that heavy to you at the time?

A Yes, it did.

Q What did you think was in-it?

A I didn't know. I asked him. He said it was none of my business, don't worry about it.

Q Okay, what happens next then? You throw the boxes into the Navajo and what happens?

A He loaded the boxes into the Navajo and then he asked me to follow him cause he had to drop off a car of his that he had just got at a friend at his house.

Q And before did he, did he take you to the car? Did you guys go to the car?

A Yeah, he showed me the car.

Q What did this car look like?

A It was like I said it was either black or dark green, I was (unintelligible) Mazda 626, I thought it was a Lexus.

Q Where was it parked at?

A Ah, one or two motels over. The Day's Inn used to be the Riveria.

Q Okay, when he took you to the car, what did he do with the car?

A He opened it up. We went inside and he was going through the car.

Q Okay, what was he doing? Was he removing anything from the car?

A It appeared to me.

STATEMENT OF: ADAM TODD SILVERMAN

- Q Okay, what was he doing with the stuff that was in the car?  
A Well, he didn't remove much. He removed some ah, small items, small items like you said, I believe a C.D. case or a pair of glasses.
- Q Did he offer you the glasses?  
A Yes.
- Q What did the glasses look like? Sunglasses you mean?  
A I believe so.
- Q Okay.  
A I believe they were gold rimmed.
- Q Did he, the C.D. case, what did it look like?  
A Ah, I don't know it was kind of roundish with a black zipper, I think.
- Q Do you know what he did with those?  
A No, I don't.
- Q So you don't know what he did with that case then? Did he put any of those items inside the truck?  
A I don't remember. I really don't remember.
- Q You don't remember if he took any of the items from the car and put them in the trunk?  
A He might have kept them on his person, I'm I'm not sure.
- Q Any like luggage or back packs?  
A Ah, I didn't see any luggage.
- Q Okay, what did he do with the car then? Did he make any comments about the car or who it belonged to?  
A Yeah, he says it was his car now and that he had to take it and just drop it at a friend's house.



STATEMENT OF: ADAM TODD SILVERMAN

Q So he made, he said it was his car now?

A Yeah, something to that effect.

Q Okay,

A I can't say verbatim, to the best of knowledge from that night, he did say that he obtained this car in some way. He says, this is my car now.

Q Okay.

A What do you think, bragging, boasting about it.

Q So did you then follow him to a location or?

A I followed him to a location.

Q And where was that at, do you remember?

A Somewhere around Surfside.

Q And when you got there, what did he do with the car?

A He had me park and then he pulled up about two houses up and parked the car and it looked like he was locking it up, like securing it as if it was his own.

Q Right.

A And then he got back into the truck and asked me to take me to, have me dropped off. He wanted to drop me off.

Q And did he drop you off?

A He dropped me off.

Q And where was that at?

A Century Towers.

Q And what did you do there?

A I went upstairs and I watched T.V. with my roommate and we might have ordered some food.

STATEMENT OF: ADAM TODD SILVERMAN

Q Okay, did you remain there?

A For the rest of the night.

Q Okay, did you later on, you said you had saw the box in the news. When you saw it on the news, what did you, what did you do?

A I was in shock.

Q What did you think happened?

A Well, I realized what had happened. I realized that ah, I was actually driving around with a body that I didn't know about and by the time, you, he was already apprehended and from the news, he had already confessed to everything. So I didn't think there was anything I could help with. Ah, ..

Q How did you know that was the same box though?

A Remember what it looked like. I remember it said Sony and I remember the gray tape.

Q Did you learn later on why he had done this or why he did this?

A No, only from the news when he made a confession about rough sex.

Q Did Freddie ever make any comments to you about Ariel or what he had done?

A No, he had just told me prior to that that he's just bad news and that, and even after that that if he should get out, to just stay away from him. He's bad news.

Q What was it he told you prior to that about?

A To keep my distance from him.

Q But as far as the murder itself, what did Freddie tell you about it?

STATEMENT OF: ADAM TODD SILVERMAN

A We didn't talk about the murder until after he, he says this sick "F", he couldn't believe it.

Q When you say "F", you mean sick?

A Sick Fuck.

Q Okay, who else as far as you know knew about this?

A Nobody as far as I know, but obviously someone helped him dump the body somewhere, so someone had to know, but (inaudible)

Q Okay, now ah, they call you Sonny, right?

A That's my nickname. My father's nickname was Sonny. I took it on when I was 15, 16 years old.

Q Okay, now we met you earlier, as a matter of fact I spoke to you on the phone yesterday, and we met you earlier and you came up with us on your own. Is that correct?

A Yes, it is.

Q Okay, and we've told you that you're free to go any time here, is that correct?

A Yes, sir, it is.

Q Ah, you gave us consent a little while ago to obtain oral swabs from you, is that correct?

A Yes, sir, it is.

Q And I read the form to you and explained to you what your rights were under that, as far as giving up those oral swabs?

A Yes, sir.

Q Okay, ah, Okay, and ah, I explained to you before that as soon as we conclude this, we're going to be taking you back, is that correct?

A yes, sir.

STATEMENT OF: ADAM TODD SILVERMAN



Q To your employment?

A Yes, sir.

Q Okay, and you've ah, you've used the restroom in here, and were offered a drink of water which you had, is that correct?

A Yes, sir.

Q Okay, and I explained to you that the reason the door was locked is because there's traffic in and out of there and it makes it more private since we're talking in here about this incident. Is that correct?

A Yes, you do.

Q All right, Detective Devine, do you have any questions?

Q2 Yeah, you were pretty clear on to the fact that you were able to come, free to come and go as you wanted?

A When I got here, yes.

Q2 Okay.

ALL RIGHT, LET THE RECORD REFLECT THAT THIS WILL CONCLUDE AT 12 HOURS AT THIS DATE.

INTERROGATION; ADVICE OF RIGHTS

YOUR RIGHTS

Place FILE 11/11/13?  
Date 9/27/00  
Time 7:00 PM

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have a lawyer with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed

[Signature] 9/27

Witness:

W. Hove Hove

Witness:

Celest Kik

Time:

7:00 PM

MISA  
Copy

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/28/2000

On 9/27/00 ADAM TODD SILVERMAN was arrested pursuant to a Federal Warrant issued in the Southern District of Florida for violations of Racketeering, Extortionate Collections of an Unlawful Debt, and Accessory after the Fact as related to the murder of JEANETTE SMITH. SILVERMAN was processed at the Miami offices of the Federal Bureau of Investigations, (FBI). SILVERMAN provided the following: date of birth - 7/6/67; place of birth - Brooklyn, New York; and Social Security Number 595-08-4801. SILVERMAN was provided with his Advise of Rights Form FD-395 and waived his right to an attorney. SILVERMAN provided the following information:

SILVERMAN advised he was born in Brooklyn, New York to IRA and BARBARA SILVERMAN and relocated to South Florida in approximately 1981 completing his education at the Pompano Beach High School in 1983. SILVERMAN lived and worked for his divorced father at his business; M&M Auto Body, 1190 South Dixie Highway, Pompano Beach Florida. SILVERMAN attempted to further his education for a short period at the University of Miami before returning to Kerhonkson, New York where he started HASSLE FREE MOVING COMPANY which went out of business approximately a year and a half later. SILVERMAN returned to South Florida and with his partner LINDA MALEH started the KOSHER KONNECTION an export business he operated from the 79th Street area of North Miami Beach, Florida. SILVERMAN then started ALL INTERNATIONAL another export company located at Biscayne and 173rd Street Miami, Florida. SILVERMAN said his companies exported just about anything from fax machines to computer games.

SILVERMAN said he then worked as a manager at the nightclub named "PORKIES" located in Hialeah, Florida. SILVERMAN said he was hired by an individual named "TARZAN". SILVERMAN added he had dated TARZAN's daughter for a period of time.

SILVERMAN then said he was hired by JACKIE WERBA, the owner of the KING GROUP located on 10th Avenue in Miami, Florida. SILVERMAN described KING GROUP as a company which deals with the sale and exportation of heavy construction type equipment and/or transportation equipment to mostly Eastern European countries. SILVERMAN was hired as the Vice President of International Marketing for KING. SILVERMAN said a PHOEBE SOONG was WERBA's

Investigation on 9/27/00 at North Miami Beach, Fla

File # [REDACTED] Date dictated 9/28/00  
by William Howe Grover  
Kevin C. Rentzel, Celeste Van Auken

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assistant at KING, and SILVERMAN's current girlfriend MELISSA MARIE HOFFPAUIR, worked as his assistant. SILVERMAN said he was paid on a commission basis only with KING.

SILVERMAN described a RUSSIAN businessman, OLEG KLETS, who arranged with SILVERMAN to sell and transport over 100 buses to the Eastern European country, KAZAKHSTAN. KLETS reportedly had a close connection to the Minister of Transportation in KAZAKHSTAN. The transaction had the potential to make a lot of money and SILVERMAN described the deal to purchase the buses at approximately \$5,000 per bus, and then resell and transport them at a profit of between \$5,000.00 - \$8,500.00 per bus depending on the size and type. SILVERMAN said he could set this deal up but WERBA said SILVERMAN needed to put up fifteen thousand dollars towards the purchase of the first three buses. SILVERMAN said he had two people whom he convinced of the large profits which could be realized from this proposed sale. SILVERMAN said FRED MASSARO, the owner operator of BEACHSIDE MARIO's, (BSM), a pizza shop in Sunny Isles Florida would put up \$10,000.00 and MONZER "MIKE" AGHA a cell phone store owner agreed to put up the \$5,000.00 remaining balance. SILVERMAN said KLETS came to BSM and met with MASSARO and him regarding the proposed deal. MASSARO agreed to put up the money which he delivered to the KING GROUP several days later. SILVERMAN said MASSARO agreed to between a 3% to a 4% percent profit of the total sale deal for 100 buses. SILVERMAN said KLETS left the country soon after and SILVERMAN was unable to reach him. SILVERMAN attempted numerous times to make contact with him including calls and e-mails. KLETS did return to the United States and attempted to convince both MASSARO and SILVERMAN the deal could still be put together. SILVERMAN said MASSARO made him, SILVERMAN, responsible for the loan. SILVERMAN told KLETS that he had to take care of his own loan with MASSARO. SILVERMAN said MASSARO was very irate at both he and WERBA over his investment monies, and WERBA finally gave SILVERMAN a \$7,000.00 KING GROUP check to be delivered to MASSARO. SILVERMAN said the remaining \$3,000.00 balance was settled when KLETS agreed to leave MASSARO with his light blue Mazda SUV truck.

SILVERMAN advised he had previously met AGHA through the shared ownership of AGHA's two cell phone and beeper stores named LAZER SOUND located at 163rd Street and 15th Avenue, North Miami Beach, Florida and another beeper store located in the vicinity of 2551 E. Hallandale Beach Blvd, Hallandale, Florida. SILVERMAN said he had met AGHA through another associate MARTIN SISKIND.

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SILVERMAN said he had invested no monies in LAZER SOUND but had instead brought over a "client base" to the business.

SILVERMAN said he also had an investment in the company B&A PACK AND SHIP PLUS which he owned with his mother BARBARA BECKER, 2401 South Ocean Drive, Apartment 2302, Hollywood, Florida 33019.

SILVERMAN said he met FRED MASSARO at a local bar called NICK's AT NIGHT located at the Hawaiian Isle Hotel in Sunny Isles Florida several years ago. SILVERMAN said he lived at the CENTURY TOWERS located near the bar and would often stop by after work. SILVERMAN said he met MASSARO and his girlfriend CAROL when they would drop by the bar. SILVERMAN said MASSARO didn't drink but he would socialize with several people at the bar. SILVERMAN said the bar was owned and operated by an individual known to him as NICK LNU (last name unknown) who was from Canada. SILVERMAN knew another individual known to him as CARLOS LNU who would operate as the music "DJ" for this bar and described him as tall, with long hair, and he wore numerous gold chains. SILVERMAN said another friend of CARLOS' was a Hispanic male named FRANK VALDES and described him as having numerous gold teeth. SILVERMAN said VALDES introduced him to MASSARO saying this was his, VALDES', good friend. SILVERMAN said he had no knowledge whether MASSARO owned any interest in the bar. SILVERMAN said MASSARO told him that he, MASSARO, knew SILVERMAN's mother years ago in Brooklyn, New York.

SILVERMAN learned MASSARO owned the BSM pizza shop, and SILVERMAN started frequenting his business and ordering pizza from BSM. SILVERMAN said MASSARO arranged for him to start another business at a check cashing store named CHECK CASHING UNLIMITED, (CCU), located in Wilton Manors Florida. SILVERMAN said he and AGHA had been having disagreements over their joint partnerships and SILVERMAN was looking for a new business. SILVERMAN also said AGHA was out of control with using drugs and SILVERMAN wanted to stay away from him.

SILVERMAN said MASSARO drove him to the CCU store and introduced him to the owners BRUCE CHIUSANO and IRVING WEISS. SILVERMAN said he understood them to be partners in this store. They agreed to allow him to set up a mailbox rental business in the foyer area of the store, but he was not allowed to go into the rear area of the store. SILVERMAN said he only had the business operational for a period of about three months before he went out of business. SILVERMAN said he did rent out some of the boxes and specifically recalled three boxes rented to CHESTER POTASH who was





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running the CCU for CHIUSANO and WEISS. SILVERMAN said he would see MASSARO who would come up to CCU to either check on SILVERMAN or to see CHIUSANO. SILVERMAN said on occasion he would also meet CHIUSANO at the EINSTEIN BAGEL SHOP in Aventura early in the mornings in order to get the keys from him for the CCU business.

SILVERMAN said he met ARIEL HERNANDEZ in approximately August or September, 1998 through a friend of his MIKE PELLITIER. PELLITIER owned the "AVENTURA SERVICE CENTER" which was located across from the Colonial Inn in an arcade plaza in Sunny Isles Florida. SILVERMAN said one day he was in PELLITIER's business when HERNANDEZ came in. PELLITIER introduced him and added that HERNANDEZ had bounced several checks at his business. SILVERMAN said he later learned from HERNANDEZ that he was working for HERNANDEZ's brother who owned a religious store. SILVERMAN said he also ran into HERNANDEZ at BSM. SILVERMAN said he never liked HERNANDEZ as HERNANDEZ had originally attempted to purchase his business, B&A PACK and SHIP. SILVERMAN said HERNANDEZ had provided approximately four checks amounting to about seventeen thousand dollars towards the purchase of this company. SILVERMAN said HERNANDEZ gave them to one of SILVERMAN's employees, ROBERT LNU who deposited them into the company's bank named FAMILY BANK located off Hallandale Beach Boulevard, Hallandale, Florida. SILVERMAN subsequently cashed these checks and later learned the checks were bad. SILVERMAN said the name on the checks didn't correspond to the check numbers and he had to make good on the checks. SILVERMAN recalled the checks were somehow connected to the Princess Casino gambling ship organization who then attempted to sue him, SILVERMAN, for cashing these checks.

SILVERMAN recounted the events surrounding the murder of JEANETTE SMITH in general terms in that he said he had been drinking a great deal of wine and his recall was somewhat vague as it pertains to the evening when he assisted HERNANDEZ move SMITH's body and vehicle. SILVERMAN said he also had been distracted that weekend in that he had just broken up with a former girlfriend and they had an argument over a corvette. SILVERMAN said his girlfriend's name was ROBIN LUTZ and she resided in apartment 104, Sheridan Ocean Club, (SOC) Hollywood, Florida. SILVERMAN said she had been going out with a friend of his named BOBBY LNU. SILVERMAN said BOBBY LNU had been introduced to him by MARTIN SISKIND. SILVERMAN said he became extremely upset upon seeing her at the SOC with BOBBY LNU. SILVERMAN said he was at this time residing at the CENTURY TOWERS, apartment 806 with his current girlfriend MELISSA HOFFPAUIR. SILVERMAN said he recalls that on Saturday he slept in

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till late in the morning with MELISSA and later in the afternoon he went over to BSM. SILVERMAN said at approximately 4:00 PM he was asked to go purchase some produce or food for BSM. SILVERMAN recalled either MASSARO or CHARLIE MONICO had asked him to get the food. SILVERMAN said he went to the Winn Dixie located in the shopping plaza near "Shooters" restaurant and next to the Intercoastal Waterway in North Miami Beach, Florida. SILVERMAN recalls he bought a couple cases of soda and some chicken breasts. SILVERMAN said when he did return to BSM he began drinking because he was still upset over the argument with his former girlfriend. SILVERMAN said he recalls possibly CAROL MOSHER who was MASSARO's girlfriend served him up to 5, 6 or more glasses of red wine. SILVERMAN also recalled that the cook, PETER LNU, and the waitress, SHERRI LNU were also at BSM that night. SILVERMAN recalled that ARIEL HERNANDEZ arrived at some point and asked him whether he could use the Blue Mazda truck which MASSARO had given SILVERMAN to use. SILVERMAN said HERNANDEZ said he needed help moving out of his hotel room. SILVERMAN told HERNANDEZ he would have to ask MASSARO because it wasn't SILVERMAN's truck to lend out. SILVERMAN said HERNANDEZ got permission from MASSARO and he agreed to help HERNANDEZ at his hotel. SILVERMAN said he was intoxicated but accompanied HERNANDEZ as he drove over to his hotel room using the truck. SILVERMAN said when they reached the hotel room HERNANDEZ loaded the truck with several boxes, and possibly a bag. SILVERMAN recalled one of the boxes was very heavy but HERNANDEZ said he could move it himself. SILVERMAN said he didn't entirely enter the hotel room but rather remained in the doorway of the room. SILVERMAN said he did not notice anything unusual in the room. After HERNANDEZ loaded the truck he showed SILVERMAN another vehicle which he described as his "new" vehicle. SILVERMAN said he was under the influence of the wine he had consumed and probably should not have been driving. SILVERMAN said he nevertheless followed HERNANDEZ to an unrecalled residential area of Surfside, Florida and waited in the truck until HERNANDEZ parked the car. SILVERMAN recalled HERNANDEZ parked near a construction site and in front of a house. SILVERMAN said HERNANDEZ then drove the truck and dropped him off at his apartment at CENTURY TOWERS, Sunny Isles, Florida. SILVERMAN said he did not remove anything from the car which HERNANDEZ drove and parked that evening.

SILVERMAN recalled MELISSA was at the apartment and they remained there the entire evening. SILVERMAN recalled they ordered pizza from BSM after he returned home. SILVERMAN recalled the time was approximately 8:00 or 9:00 PM. SILVERMAN could not recall who delivered the pizza.

FD-302a (Rev. 10-6-95)

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SILVERMAN said the next day, Sunday, he and Melissa slept in and he believes he called MASSARO in order to get the truck back from HERNANDEZ.